

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

UNITED STATES OF AMERICA,  
Plaintiff,

v.

CIVIL NO.: 5:18-CV- 112

ONE 1973 SHRIMP BOAT "LINDA LABIN"  
DOC#547803 HULL#7437666  
Defendant

**VERFIED COMPLAINT FOR CIVIL FORFEITURE IN REM**

TO THE HONORABLE JUDGE OF SAID COURT:

The United States of America, Plaintiff in the above entitled and numbered cause, by and through its United States Attorney for the Southern District of Texas and its Assistant United States Attorney assigned to this matter, files this action for forfeiture *in rem* against one 1973 Shrimp Boat "LINDA LABIN" Doc#547803 Hull#7437666, hereinafter "Defendant Vessel". In support of this forfeiture complaint, the United States alleges on information and belief the following:

**JURISDICTION AND VENUE**

1. Jurisdiction is conferred upon this Court by virtue of Title 28, United States Code, ' ' 1345 and 1355. The Defendant Vehicle was seized near Port Isabel, Texas by the Department of Homeland Security, Homeland Security Investigations (HSI) and is located in the Southern District of Texas. Accordingly, Defendant Vessel is within the jurisdiction of this Court.
2. Venue is proper in this Court pursuant to Title 28, United States Code, §§ 1391(b) and 1395(a) and (b).

**STATUTORY BASIS FOR FORFEITURE**

3. This is a civil action *in rem* brought to enforce the provisions of Title 8, United States Code, Section 1324(b). The United States alleges that the Defendant Vessel was used as a conveyance for the transportation of undocumented aliens in violation of Title 8, United States Code, Section 1324 and is subject to forfeiture.

**FACTUAL BASIS FOR FORFEITURE**

4. In support of the assertions in paragraph 3 above, Plaintiff would show the Court that on March 3, 2018, the U.S. Coast Guard boarded Defendant Vessel for inspection, five nautical miles off the coast of South Padre Island. The captain of the Defendant Vessel was identified as Francisco Hernandez. Crewmembers Jose Angel Carmona-Reyes and Marco Antonio Baez-Barreto were also on board the vessel.

5. Defendant Vessel is owned by, Linda Labin, Inc. According to the Texas Secretary of State, the corporation has been in existence since 2008. The director and registered agent of the corporation is Maria Hernandez Del Socorro, wife of Francisco Hernandez.

6. An inspection of the vessel and its cargo resulted in the discovery of fourteen undocumented aliens hidden in areas including a compartment under the main deck, a space underneath the generator in the main compartment, underneath a mattress in the crew sleeping quarters, and inside the engine compartment. The aliens were citizens and nationals of Mexico. Both crewmembers were also identified as undocumented aliens from Mexico. Crewmember Carmona-Reyes stated that he had been working on the boat since January, 2018 in exchange for his smuggling fee which included transportation to Galveston, Texas. One of the undocumented aliens, Aldair Campos-Perez, was interviewed. During the interview, he stated that he deposited cash into a Wells Fargo Bank account belonging to the boat captain, Francisco Hernandez. He

produced a text photo of the bank receipt indicating that the deposit was for \$3,000. Another material witness, Marcelino Campos Rueda, stated that he deposited \$3,500 into a Banamex account belonging to Francisco Hernandez.

7. On March 28, 2018, Francisco Hernandez was indicted in the Southern District of Texas, and charged with one count of conspiracy to transport and harbor undocumented aliens and four counts of transporting undocumented aliens in violation of Title 8, United States Code, Section 1324(a)(1). On June 20, 2018 and before United States Magistrate Judge B. Janice Ellington, Hernandez pleaded guilty to Count Two of the indictment which charged him with transporting an undocumented alien. Contemporaneous with the entry of his guilty plea, Hernandez agreed in writing to a factual stipulation that he knowingly transported undocumented aliens within the United States by means of the Defendant Vessel.

By reason of the foregoing recitations, the Defendant Vessel is subject to an Order of Forfeiture to the United States of America.

**NOTICE TO ANY POTENTIAL CLAIMANT**

YOU ARE HEREBY NOTIFIED that if you assert an interest in the property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than 35 days from the date this complaint is sent in accordance with Rule G(4)(b).

An answer or a motion under Fed. R. Civ. P. 12 must be filed no later than 21 days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this complaint below.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for the following:

1. That notice of forfeiture issue according to the normal procedure of the Court citing all persons having an interest in the Defendant Vessel to appear on the return day of said process and make such Claim and Answer as they may have;
2. That a Judgment of Forfeiture be decreed against the Defendant Vessel;
3. That, following a Judgment of Forfeiture, the Defendant Vessel be disposed of according to law; and
4. For costs of this action, including costs of seizure and for such additional relief to which Plaintiff may be entitled.

Respectfully submitted,

RYAN K. PATRICK  
UNITED STATES ATTORNEY

BY:

*s/Mary Ellen Smyth*

Mary Ellen Smyth, Assistant U.S. Attorney

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VERIFICATION

I, Curtis Kenon, am a Marine Interdiction Agent with the United States Department of Homeland Security, Customs and Border Protection. I am currently assigned as a Task Force Officer with the United States Department of Homeland Security, Homeland Security Investigations in Brownsville, Texas. I declare under the penalty of perjury that I have read the foregoing Verified Complaint for Civil Forfeiture *In Rem* and Notice to Potential Claimants, and that the facts stated in paragraphs 4 through 7 of the Complaint are based upon my personal knowledge, information obtained from other law enforcement personnel, and upon information I obtained in the course of my investigation. Those facts are true and correct to the best of my knowledge and belief.



Curtis Kenon, Task Force Officer  
U.S. Dept. of Homeland Security  
Homeland Security Investigations

Sworn to and subscribed before me, the undersigned authority, on the 6th day of August, 2018



Notary Public, State of Texas

